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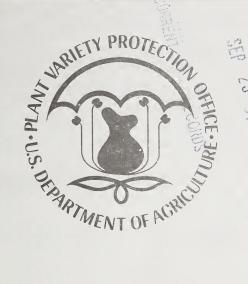


a SB/14 , UGA**3** OFFICIAL IOURNA

Vol. 4, No.3

OFFICIAL JOURNAL OF THE PLANT VARIETY PROTECTION OFFICE

November 1976



PREFACE

The Plant Variety Protection Act, (7 U.S.C. 2321 et. seq.) authorizes the Secretary of Agriculture to publish an Official Journal and to provide the public with pertinent information relating to the operations of the Plant Variety Protection Office.

The statute also authorizes the Secretary to disseminate technological and other information available to the Office that would encourage innovation and promote progress in plant breeding.

The Official Journal, which is published quarterly, includes instructions issued by the Office and related information. It will be sent free to anyone on request. Send requests to:

Plant Variety Protection Office Grain Division, AMS U.S. Department of Agriculture Room 301, National Agricultural Library Beltsville, Maryland 20705

This issue covers the period from July 1, 1976, through September 30, 1976.

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APPLICATIONS RECEIVED

Application No.	Date	Name of applicant(s)	Name of kind	Name of variety (or designation)
76TQ001	7/2/76	Ben Fish and Son	lima bean	C-elite
**76TQ002	6/11/76	University of Nebraska & ARS	wheat	Lancota (3)
**76TQ003	7/16/76	Coker's Pedigreed Seed Company	soybean	Coker 73-375 (3)
**76TQ004	7/1/16	Alexandria Seed Company, Inc.	rice	AS1004 (2)
76TQ005	7/19/76	Ring Around Products, Inc.	soybean	RA-427
76TQ006	7/27/76	(Permission to publish not rec'd.)	soybean	
**76TQ007	8/2/76	(Permission to publish not rec'd.)	cotton	GSA C71033 (3)
76TQ008	8/11/76	Crites-Moscow Growers, Inc.	pea	Spirit
76TQ009	8/13/76	(Permission to publish not rec'd.)	Chin. cabbage	Lei-choi
**76TQ010	9//6/8	(Permission to publish not rec'd.)	polargrass	Wolverine (2)
**76TQ011	8/13/76	North Carolina Agricultural		
		Experiment Station	peanut	NC 6 (3)
**76TQ012	8/18/76	F. P. King & Son, Seed Breeders	sorghum	PK & S 36 RW (3)
76TQ013	8/25/76	Stanley C. Barnes	wheat	Mirada
**76TQ014	8/30/76	C. Paul Hanks and Wardell M. Hanks cotton	cotton	N.M. Acala
				#20 (2)
**76TQ015	9/3/16	Coker's Pedigreed Seed Company	wheat	Coker 747 (3)
**76TQ016	9/8/6	McNair Seed Company	soybean	McNair 500 (3)
76TQ017	91/6/6	(Permission to publish not rec'd.)	clover, ladino	Sacramento
76TQ018	9/16/16	Joseph Harris Company, Inc.	marigold	Gypsy Orange
**76TQ019	9/16/76	World Seeds, Inc.	wheat	W.S. 25 (3)
		AMENDMENTS		
7500042	12/16/75	(Permission to publish not rec'd.) alfalfa	alfalfa alfalfa	Nugget Ladak 75 (3)
**7400070	2/25/76	refullssion to publish not led a./ Jack Bernard Fleming	oat	J.F.O. 3Tee (3)

* *

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Certificate No.	Issue Date	Owner	Name of Kind Name of Variety
**7300040	July 19, 1976	National Seed Development Organisation, Ltd.	barley 'Maris Mink' (3)
'Maris Mink' earlier and s	s most similar t raw length is 10	'Maris Mink' is most similar to 'Deba Abed' except ear emergence of 'Maris Mink' is 5 days earlier and straw length is $10~\rm cm$ shorter than 'Deba Abed.'	e of 'Maris Mink' is 5 days
**73066	July 19, 1976	Borden Peanut Company, Inc.	peanut 'Valencia McRan' (3)
'Valencia MCRé except 'Valenc greater pod by 1.60-1.61 mun)	ın' is similar to ja McRan' has sh ceaking strength	'Valencia McRan' is similar to Valencia types, 'Tennessee Red' and 'New Mexico Valencia A,' except 'Valencia McRan' has shorter (37 vs. 41-42 mm), larger diameter (14 vs. $10-11$ mm) pods. greater pod breaking strength (11.18 vs. $6/12-7.03$ pounds force) and a thicker shell (2.19 vs. $1.60-1.61$ mm)	and 'New Mexico Valencia A,' inameter (14 vs. 10-11 mm) pods,) and a thicker shell (2.19 vs.
**7400055	July 19, 1976	Lofts Pedigreed Seed, Inc.	ryegrass 'Diplomat' (2)
'Diplomat' mos earlier to and New Jersey.	it closely resemb thesis and has gr	'Diplomat' most closely resembles 'Manhattan' perennial ryegrass, but 'Diplomat' is 4 to 7 days earlier to anthesis and has greater resistance to brown patch when compared with 'Manhattan' in New Jersey.	s, but 'Diplomat' is 4 to 7 day hen compared with 'Manhattan' i
7500049	July 19, 1976	Rogers Brothers Seed Company	bean 'Century Gold'
'Century Gold 3 cm longer th	most closely re an 'Splendorgold	'Century Gold' most closely resembles 'Splendorgold,' but 'Century Gold' has pods that average 3 cm longer than 'Splendorgold.' 'Century Gold' is 5 days later in maturity than 'Splendorgold	ury Gold' has pods that average r in maturity than 'Splendorgold
7500077	July 19, 1976	Asgrow Seed Company	pea 'Aska'
'Aska' most c	losely resembles	'Aska' most closely resembles 'Alaska Small Sieve M163,' but 'Aska' is 7-10 cm taller.	ska' is 7-10 cm taller.

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riety	y on'	>-	- -	ly th		rage		opeq	(3)	/100	(3)	vine
Name of Variety	#8221 Early Perfection	'#8221 Early Perfection' most closely resembles '#3019 Early Perfection,' but '#8221 Early Perfection' is resistant to root rot and '#3019 Early Perfection' is not.	'Tidal Wave'	'Tidal Wave' most closely resembles 'Early Gallatin.' 'Tidal Wave' is distinct from 'Early Gallatin' in plant type by having a narrower bush (43.9 cm vs. 57.6 cm), smaller pod length (15.6 cm vs. 16.4 cm), fewer seeds per pod (6.0 vs. 6.7).	'Torrent'	'Torrent' most closely resembles the variety 'Avalanche,' but 'Torrent' has pods that average 2.6 cm longer than 'Avalanche.'	'Sunshade'	Sunshade' most closely resembles 'Charleston Grey,' but 'Sunshade' differs by having unlobed eaves.	'Edison'	'Edison' most closely resembles 'Scout,' but differs by having green seed that weigh 15 g/100 in contrast to 'Scout,' which has yellow seed that weigh 21 g/100.	'Almota'	Almota' most closely resembles 'Freez-Elite.' 'Almota' differs from 'Freez-Elite' by a vine neight of 50 cm vs. 61 cm, pointed vs. blunt pods, 9 vs. 7 peas/pod, and green vs. yellow cotyledons, respectively.
	*#82	t '#82	'Ti	nct fr ller p	To.	pods t	'Su	by hav	Ed.	at wei	'Al	-Elite en vs.
Name of Kind		n,'bu		disti (), sma		has	elon	ffers		eed th		'Freez nd gre
Name o	pea	rfectio 1' is n	bean	ave' is 57.6 cm	bean	Corrent	watermelon	ıde' di	pea	green s	pea	from pod, a
		rly Per fectior		idal Wa m vs.		but '1		Sunsh		aving 9 21 g/10		differs 7 peas,
	ation	3019 Ea rly Per	npany	1, 'T' (43.9 c) (43.9 c) (6.7).	npany	nche,'		,' but		rs by h weigh		lmota' 9 vs.
	Corpora	les '#; 019 Ea	eed Cor	allatir bush 6.0 vs	eed Cor	'Avalë	отрапу	n Grey	afson	diffe d that	afson	pods,
	Seed	resemb nd '#3	lorse S	arly G rrower	orse S	ariety	Seed C	rlesto	. Gust	ow see	. Gust	-Elite blunt
Owner	Canners Seed Corporation	'#8221 Early Perfection' most closely resembles '#3019 Early Perfection, Perfection' is resistant to root rot and '#3019 Early Perfection' is not	Ferry-Morse Seed Company	most closely resembles 'Early Gallatin.' 'plant type by having a narrower bush (43.9 16.4 cm), fewer seeds per pod (6.0 vs. 6.7)	Ferry-Morse Seed Company	s the v	Asgrow Seed Company	es 'Cha	Ardie G. Gustafson	'Scout as yell	Ardie G. Gustafson	'Almota' most closely resembles 'Freez-Elite.' 'Almota' height of 50 cm vs. 61 cm, pointed vs. blunt pods, 9 vs. cotyledons, respectively.
		most c to roo		rresem y havi		semble inche.'		esembl		embles hich h		embles , poin
Issue Date	July 19, 1976	tion' stant	July 19, 1976	type ben't fe	July 19, 1976	ely re'	July 19, 1976	sely r	Sept. 7, 1976	oly resout, w	Sept. 7, 1976	ely res 61 cm
Issi	July	Perfec is resi	July	most c plant 16.4 c	July	st clos r than	July	ost clo	Sept	t close	Sept	cm vs.
icate	104	Early tion'	018	'Tidal Wave' Sallatin' in (15.6 cm vs.	020	'Torrent' most closely resembl 2.6 cm longer than 'Avalanche.	027	ade'mc	037	n' most trast t	038	a' most of 50 dons, r
Certificate No.	7500104	'#8221 Perfec	7600018	Tidal Gallat (15.6	7600020	'Torre 2.6 cm	7600027	'Sunsha leaves	**7500037	'Ediso in con	**7500038	'Almot height cotyle

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Certificate No.	Issue Date	Owner	Name of Kind	Name of Variety
**7500080	Sept. 7, 1976	Shallow Water Grain, Inc.	wheat	'III' (2)
'III' most cla borne mosaic.	III' most closely resembles '2148.' borne mosaic. '2148' has brown chaff	'III' most closely resembles '2148.' 'III' has straw colored chaff and is susceptible to soil-borne mosaic. '2148' has brown chaff and is resistant to soil-borne mosaic.	chaff and is sus.	ceptible to soil-
**7600037	Sept. 7, 1976	Sacramento Valley Milling Co.	kidney bean	'Sacramento' (3)
'Sacramento,' development in 'California.' 'California.'	a light red kidr 'Sacramento' is 'Sacramento' re	'Sacramento,' a light red kidney bean, most closely resembles 'California,' except onset of pod development in 'Sacramento' is earlier and the mature plant height is 10 to 15 cm shorter than 'California.' 'Sacramento' reaches the cutting stage of maturity 10 to 15 days earlier than 'California.'	'California,' exidity is 10 to 15	cept onset of pod cm shorter than s earlier than
7600019	Sept. 7, 1976	Ferry-Morse Seed Company	bean	'Aristocrop'
'Aristocrop' earlier than	nost closely rese'Bluecrop' and '?	most closely resembles the variety 'Bluecrop,' but 'Aristocrop' flowers 2 days 'Bluecrop' and 'Aristocrop' seeds are .88 mm shorter in length than 'Bluecrop.	t 'Aristocrop' f	lowers 2 days an 'Bluecrop.'
7500047	Sept. 7, 1976	Waller Flowerseed Company	nasturtium	'Whirlybird Cherry Rose'
'Whirlybird Cl Rose' differs	nerry Rose' most by having cerise	'Whirlybird Cherry Rose' most closely resembles 'Whirlybird Scarlet,' but 'Whirlybird Cherry Rose' differs by having cerise rose colored flowers instead of scarlet.	arlet, but 'Whir scarlet.	lybird Cherry
7500048	Sept. 7, 1976	Waller Flowerseed Company	nasturtium	'Whirlybird Gold'
'Whirlybird Ghaving yellow	'Whirlybird Gold' most closely resembles having yellow flowers instead of scarlet	Whirlybird Gold' most closely resembles 'Whirlybird Scarlet,'but 'Whirlybird Gold' differs by naving yellow flowers instead of scarlet.	but 'Whirlybird o	Gold' differs by

^{&#}x27;Red Coach 74A' most closely resembles its parent 'Vanguard,' but 'Red Coach 74A' has a glossier green leaf color that resembles that of its other parent, 'Calmar.' 'Red Coach 74A' matures its seed 5 days earlier than 'Vanguard.'

'Red Coach 74A'

lettuce

Sept. 7, 1976 Quali-Sel, Inc.

7400024

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iety	٦.	rio.'	(3)	In overall appearance 'Magnolia Blackeye' most closely resembles 'Extra Early Blackeye,' except 'Magnolia Blackeye' is a "bush" type with no runners in long days, while 'Extra Early Blackeye' has typical runners. The dry seed of 'Magnolia Blackeye' are very small, blocky to almost oblong in shape and have only scattered fine wrinkling of the seed coat with a bright appearance in mass. The dry seed of 'Extra Early Blackeye' are much larger, bean to semi-bean in shape, and have wrinkled seed coats with a dull appearance in mass. 'Magnolia Blackeye' is resistant to Reloidogyne to Races l, 2 and 3 of Fusarium oxysporum f. tracheiphilum and is resistant to Meloidogyne incognita var. acrita, M. arenaria and M. javanica, whereas, 'Extra Early Blackeye' is resistant to only Race l of the wilt organism.	3)		3)	'S 1492' is most similar to 'B 216.' 'S 1492' can be differentiated from 'B 216' by hilum color. 'S 1492' has buff hilum color; 'B 216' has yellow hilum color.
Name of Variety	'Domingos 41'	'Domingos 41' most closely resembles 'Great Lakes 66,' but 'Domingos 41' differs by having leaves of heavier texture, darker green color and higher gloss that resemble those of 'Valrio.' 'Domingos 41' also has shorter leaves and more exposed heads than 'Great Lakes 66.'	lagnolia Blackeye'	In overall appearance 'Magnolia Blackeye' most closely resembles 'Extra Early Blackeye,' except 'Magnolia Blackeye' is a "bush" type with no runners in long days, while 'Extra Early Blackeye' has typical runners. The dry seed of 'Magnolia Blackeye' are very small, blocky to almost oblong in shape and have only scattered fine wrinkling of the seed coat with a bright appearancin mass. The dry seed of 'Extra Early Blackeye' are much larger, bean to semi-bean in shape, and have wrinkled seed coats with a dull appearance in mass. 'Magnolia Blackeye' is resistant to Reces 1, 2 and 3 of Fusarium oxysporum f. tracheiphilum and is resistant to Meloidogyne incognita, M. incognita var. acrita, M. arenaria and M. javanica, whereas, 'Extra Early Blackeye' is resistant to only Race 1 of the wilt organism.	'S 1346' (3)	'S 1346 ' is most similar to 'Hark.' 'S 1346 ' is from 2 to 5 days earlier in maturity; its plants are 9 to 12 cm taller; and its seeds weigh 2 to 2.5 g/ 100 more than those of 'Hark.'	'S 1492' (3)	hilum
аше о	Domin	by h se of	'Magnolia Blackey	ackey Early to a right ean i is	s 134	urity of '	5 149	by.
	-	ffers tho	-	ly Bl ktra locky n a b emi-b ckeye to M	•	n mat	•	3 216
Kind	41	emble t La		LE EBE LI, b. LO SE TO SE	-	er in	a	L mo:
Name of Kind	lettuce	jos 4] it res	cowpea	Extra whi smal coat pean police resistant	soybean	earli ore t	soybean	ed fo
Na	16	oming s tha than	Ö	days, days, very seed ger, der, lagin	S	days 100 m	S	ntiat
		'Domingos 41' most closely resembles 'Great Lakes 66,' but 'Domingos 41' differs by having leaves of heavier texture, darker green color and higher gloss that resemble those of 'Val'Domingos 41' also has shorter leaves and more exposed heads than 'Great Lakes 66.'	& tion	In overall appearance 'Magnolia Blackeye' most closely resembles 'Extra Early Blackeye,' e 'Magnolia Blackeye' is a "bush" type with no runners in long days, while 'Extra Early Blac has typical runners. The dry seed of 'Magnolia Blackeye' are very small, blocky to almost oblong in shape and have only scattered fine wrinkling of the seed coat with a bright appe and have wrinkled seed of 'Extra Early Blackeye' are much larger, bean to semi-bean in sha and have wrinkled seed coats with a dull appearance in mass. 'Magnolia Blackeye' is resist to Races 1, 2 and 3 of Fusarium oxysporum f. tracheiphilum and is resistant to Meloidogyne incognita, M. incognita var. acrita, M. arenaria and M. javanica, whereas, 'Extra Early Blackeye' is resistant to only Race 1 of the wilt organism.	×	to 5	>,	'S 1492' is most similar to 'B 216.' 'S 1492' can be differen'S 1492' has buff hilum color; 'B 216' has yellow hilum color.
		6,' b igher sed h	ural t Sta	ely rs in ckeye ing o e muc in m iphil d M.	ompan	om 2 to 2	ompan	be di ilum
		kes 6 and h expo	Mississippi Agricultural & Forestry Experiment Station	clos unner a Bla rinkl e'ar rance rache ia an	Sept. 29, 1976 Northrup, King and Company	is fr igh 2	Sept. 29, 1976 Northrup, King and Company	can low h
	Quali-Sel, Inc.	at La olor more	i Agr Expe	most no r gnoli ine w ackey appea f. t	King	346' ds we	King	1492' s yel
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Owner)uali-	ables er gre leaves	fissis Fore	Black type eed of tatter thack oxysi	lorthı	.k.' nd its	lorthi	16.' B 210
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Certificate

No.	Issue Date	Owner	Name of Kind	Name of Variety
**7500082	Sept. 7, 1976	Research Associates, Inc.	wheat	'Plainsman V' (2)
'Plainsman V' brown glumes a	is most similar Ind semi-dwarf he	'Plainsman V' is most similar to 'Triumph 64.' 'Plainsman V' differs from 'Triumph 64' by having brown glumes and semi-dwarf height, while 'Triumph 64' has tan glumes and normal plant height.	iffers from 'Triu glumes and norma]	umph 64' by having L plant height.
7600064	Sept. 29, 1976	Sept. 29, 1976 Asgrow Seed Company	soybean	'A 2656'
'A 2656' is mos whereas, 'Amsoy type A protein.	st similar to 'A yy 71' has a yell 1.	'A 2656' is most similar to 'Amsoy 71' and 'Beeson.' 'A 2656' has an imperfect black hilum; whereas, 'Amsoy 71' has a yellow hilum; 'A 2656' has type B protein; whereas, 'Beeson' has type A protein.	has an imperfect tein; whereas, 'E	black hilum; Beeson' has
**7600044	Sept. 29, 1976	Sept. 29, 1976 North American Plant Breeders	soybean	'Lancer' (3)
'Lancer' is mc has a tan pod.	st similar to 'P	'Lancer' is most similar to 'Pickett 71' except 'Lancer' has a brown pod; whereas, 'Pickett 71' has a tan pod.	brown pod; wherea	as, 'Pickett 71'
**7500040	Sept. 29, 1976	Sept. 29, 1976 Ardie G. Gustafson	pea	'Prospector' (3)
'Prospector' most closely and has reduced stipules. Early Perfection' is not.	nost closely rese ed stipules. 'Pr on' is not.	'Prospector' most closely resembles 'W.V.5C Early Perfection,' but 'Prospector' is 25 cm shorter and has reduced stipules. 'Prospector' is resistant to enation and streak virus while 'W.V.5C Early Perfection' is not.	but 'Prospector' and streak virus	is 25 cm shorters while 'W.V.5C

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GENERAL INFORMATION

UPOV Meeting

A council meeting of UPOV was held in Geneva on October 13-14. The Committee of Experts on Revision and Interpretation of the Convention still have not agreed on its position with respect to all items that would create problems for nonmember countries in joining UPOV. The plan now is for the committee to meet in March 1977 with invited nonmember countries, recommend its position to the Council in October 1977, and issue invitations in January 1978 to a Diplomatic Conference in October 1978.

Mission to Europe

Between October 1 through 12 a delegation from the U.S. visited four European countries to study their methods of plant variety protection. The countries visited were the United Kingdom, France, The Netherlands, and the Federal Republic of Germany. The mission ended at Geneva, Switzerland, for a meeting with the officials and members of the Union for the Protection of New Varieties of Plants (UPOV). Delegates on the mission from the United States were Stanley Schlosser (Patent and Trademark Office), Bernard Leese (Plant Variety Protection Office), James Frink (Tobacco and Seeds Division-FAS), Leo Donahue (Plant Patent Owners Association), Roy Becker (Association of Official Seed Certifying Agencies) and Wayne Underwood (American Seed Trade Association and National Council of Commercial Plant Breeders).

Answers to Questions

Section 113-Right to Save Seed; Crop Exemption

The two situations involved are as follows:

l. Protected varieties not required to be sold as certified seed.

A farmer whose primary occupation is the growing of crops for food or feed, and who has obtained seed of a protected variety, not required to be sold by variety name only as a class of certified seed, may:

- a. Save seed for his own use from his crop production.
- b. Sell seed to another farmer, but this second farmer may not sell seed from his production.

This exemption applies only to protected varieties that are not required to be sold by variety name as a class of certified seed. No seedsman, seed dealer, or elevator may sell seed (for seeding purposes) of a protected variety without the owner's permission.

2. Protected varieties under "Certification option."

Varieties protected through the "certification only" option are regulated by the Federal Seed Act. This prohibits sale of a

protected variety by variety name except as a class of Certified seed. For example; Amsoy 71 soybeans (a certified, protected variety) may be sold by variety name only as Certified seed. Anyone who sells uncertified seed of this protected variety by variety name is violating the Federal Seed Act as well as the rights of the owner under the Plant Variety Protection Act. A farmer may save seed for his own production only. He cannot legally sell uncertified seed of this variety by variety name to anyone, including his neighbors or friends.

Issuing Two or More Original Certificates

We have reviewed our position on the issuance of more than one original certificate for the same variety.

The wording of section 53(b) of the Plant Variety Protection Act can be interpreted either way; however, since it speaks of "a certificate" being issued, we believe it means that one certificate is to be issued regardless of the number of co-owners named.

We believe the use of the plural form of "certificates" in section 180.175 would not be sufficient to overrule the use of the singular form in the Act.

As this Act is based largely on the wording of the Patent Act, we inquired of the Patent and Trademark Office what its policy is. We were informed that only one original patent is granted on each invention regardless of the number of inventors.

The Patent and Trademark Office cited the problem of recall of a patent if more than one were to be issued.

If a certificate is in error as to the naming of the breeder (owner), it can be corrected at any time and the certificate re-issued (section 51).

Reproducing Transplants

Section 111(3) of the Plant Variety Protection Act makes it an infringement to sexually multiply the novel variety as a step in marketing (for growing purposes) without authority of the owner.

It is our understanding that if the seed is purchased with authority of the owner, the right to produce plants is inherent in the purchase of the seed. If the seed is saved from a previous crop or purchased without authority of the owner and used to produce transplants for sale, it would be an infringement of the owner's rights.

Section 113 of the Act provides a grower's exemption for saving seed to produce a crop for sale for other than reproductive purposes or for sale of saved seed to other similar type growers, but this exemption does not apply to transplants.

Since section 111(7) covers the reproduction, even if done asexually, this section would also prevent vegetative reproduction of a protected variety for sale as transplants.

United States Department of Agriculture Agricultural Marketing Service Grain Division Plant Variety Protection Office, Rm. 301 National Agricultural Library Beltsville, Maryland 20705

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